

OCT 07 2005 17:41 FR PROSKAUER ROSE LLP 2

TO *5595*74577030*7 P.01

RECEIVED
CENTRAL FAX CENTER

OCT 07 2005

PROSKAUER ROSE LLP

1585 Broadway
New York, NY 10036-8299
Telephone 212.969.3000
Fax 212.969.2900

LOS ANGELES
WASHINGTON
BOSTON
BOCA RATON
NEWARK
NEW ORLEANS
PARIS

Date	October 7, 2005	Client-Matter	74577-030	Fax Transmittal
Total Pages (Including Cover)			2	
From	John C. Stellabotte			
Sender's Voice Number	212.969.3413			Sender's Room Number 17-44
Sender's Email Address	jstellabotte@proskauer.com			Main Fax Number 212.969.2900
To:	Examiner: Catherine M. Colon			Fax No.: 571-273-8300
Company:	United States Patent and Trademark Office – Group Art Unit 3623			Voice No.: (571)272-6727

Message

Re: Inventor : Robert MANN, et al.
Serial No. : 09/841,219
Filing Date : April 24, 2001
Title : PERFORMANCE MEASUREMENT & MANAGEMENT
Att'y Docket : 74577-030

Attached please find the following:

- 1) REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL.

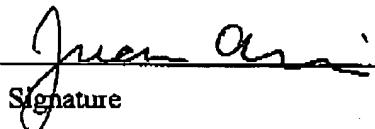
Please contact John C. Stellabotte at (212) 969-3413 if you have any questions.

FACSIMILE TRANSMISSION CERTIFICATE

I hereby certify that these papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Juan C. Arias

Name of person signing the certification


Signature

October 7, 2005

Date

Confidentiality Note: This message is confidential and intended only for the use of the addressee(s) named above. It may contain legally privileged material. Dissemination, distribution or copying of this message, other than by such addressee(s), is strictly prohibited. If you have received this message in error, please immediately notify us by telephone and return the original to us at the address above. We will reimburse you for the cost of the telephone call and postage. Thank you.

PTO/SB/00 (08-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p style="text-align: center;">Request For Continued Examination (RCE) Transmittal</p> <p>Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>	<table border="1"> <tr><td>Application Number</td><td>09/841,219</td></tr> <tr><td>Filing Date</td><td>April 24, 2001</td></tr> <tr><td>First Named Inventor</td><td>Robert Mann</td></tr> <tr><td>Art Unit</td><td>3623</td></tr> <tr><td>Examiner Name</td><td>Catherine M. Colon</td></tr> <tr><td>Attorney Docket Number</td><td>74577-030</td></tr> </table>	Application Number	09/841,219	Filing Date	April 24, 2001	First Named Inventor	Robert Mann	Art Unit	3623	Examiner Name	Catherine M. Colon	Attorney Docket Number	74577-030
Application Number	09/841,219												
Filing Date	April 24, 2001												
First Named Inventor	Robert Mann												
Art Unit	3623												
Examiner Name	Catherine M. Colon												
Attorney Docket Number	74577-030												

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114.** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 i. Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
 ii. Other _____
- b. Enclosed
 i. Amendment/Reply
 ii. Affidavit(s)/Declaration(s)
- iii. Information Disclosure Statement (IDS)
 iv. Other _____

2. **Miscellaneous**

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 b. Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17 (e) is required by 37 C.F.R. § 1.114 when RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 10-2500. I have enclosed a duplicate copy of this sheet.
 i. RCE fee required under 37 C.F.R. § 1.17 (e)
 ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 iii. Other _____
- b. Check in the amount of \$ _____ enclosed
 c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<u>John C. Stellabotte</u>	Date	October 7, 2005
Name (Print/Type)	John C. Stellabotte	Registration No.	47,969

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<u>Juan C. Arias</u>	Date	October 7, 2005
Name (Print/Type)	Juan C. Arias	Registration No.	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option